

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**In the Claims**

Claim 1 (Original). A transgenic non-mouse non-human animal whose somatic and germ line cells contain at least one copy of a transgene comprising (1) a transcriptional start site; (2) a promoter operably linked to the transcriptional start site; and (3) an enhancer operably linked to the promoter, the enhancer comprising the nucleotide sequence of SEQ ID NO:1,

wherein the transgenic animal expresses a transcript driven by the promoter, the level of expression in at least one cell type of the animal being proportionally dependent on the copy number of the transgene.

Claim 2 (Amended). The transgenic animal of claim 1, wherein the animal is selected from the group consisting of pig, rat, cow, rabbit, goat, guinea pig, prairie baboon, squirrel, monkey, chimpanzee, frog, toad, chicken, turkey and sheep.

Claim 3 (Original). The transgenic animal of claim 2, wherein the animal is a pig.

Claim 4 (Original). The transgenic animal of claim 3, wherein the somatic and germ line cells contain more than 5 copies of the transgene.

Claim 5 (Original). The transgenic animal of claim 4, wherein the somatic and germ line cells contain more than 15 copies of the transgene.

Claim 6 (Original). The transgenic animal of claim 5, wherein the promoter drives transcription of a mRNA encoding a polypeptide, the transcription beginning from the transcriptional start site.

Claim 7 (Original). The transgenic animal of claim 6, wherein the polypeptide is a growth hormone.

Claim 8 (Original). The transgenic animal of claim 7, wherein the promoter is a  $\zeta$ -globin promoter, and the at least one cell type is a erythroblast.

Claim 9 (Original). The transgenic animal of claim 8, wherein the enhancer comprises SEQ ID NO:2.

Claim 10 (Original). The transgenic animal of claim 9, wherein the enhancer comprises SEQ ID NO:3.

Claim 11-20 (Cancelled).

Claim 21. (New) An isolated cell and progeny thereof whose genomic DNA comprises at least one copy of a transgene comprising (1) a transcriptional start site; (2) a promoter operably linked to the transcriptional start site; and (3) an enhancer operably linked to the promoter, the enhancer comprising the nucleotide sequence of SEQ ID NO:1,

wherein the cell expresses transcript driven by the promoter, the level of expression being positively correlated with the copy number of the transgene, wherein said cell is from an animal.

Claim 22. (New) The isolated cell and progeny thereof of claim 21, wherein the animal is selected from the group consisting of pig, rat, cow, rabbit, goat, guinea pig, prairie baboon, squirrel, monkey, chimpanzee, frog, toad, chicken, turkey and sheep.

Claim 23. (New) The isolated cell and progeny thereof of claim 21, wherein the DNA contains more than 5 copies of the transgene.

Claim 23. (New) The isolated cell and progeny thereof of claim 23, wherein the DNA contains more than 15 copies of the transgene.

Claim 24. (New) The isolated cell and progeny thereof of claim 21, wherein the promoter drives the transcription of a mRNA encoding a polypeptide, the transcription beginning from the transcriptional start site.

Claim 25. (New) The isolated cell and progeny thereof of claim 25, wherein the polypeptide is a growth hormone.

Claim 26. (New) The isolated cell and progeny thereof of claim 21, wherein the promoter is a  $\zeta$ -globin promoter.

Claim 27. (New) The isolated cell and progeny thereof of claim 21, wherein the enhancer comprises SEQ ID NO:2.

Claim 28. (New) The isolated cell and progeny thereof of claim 21, wherein the enhancer comprises SEQ ID NO:3.

Claim 29. (New) The isolated cell and progeny thereof of claim 21, wherein the expression of the transgene is independent of its position in the DNA.

Claim 30. (New) The isolated cell and progeny thereof of claim 21, wherein the nucleic acid further comprises a transcriptional termination signal.